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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,095	01/26/2001	David Konetski	16356.578 (DC-02701)	7695

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EXAMINER
DALENCOURT, YVES

ART UNIT	PAPER NUMBER
2157	6

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary	Application No.	Applicant(s)	
	09/771,095	KONETSKI ET AL.	
	Examiner	Art Unit	
	Yves Dalencourt	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 01/26/01.

Specification

The abstract of the disclosure is objected. It is suggested to delete " a-108199 " (line 7, page 16).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 6 and 14 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Story et al (US 6,253,237; hereinafter Story).

Regarding claim 1, Story teaches a system comprising a computer system including a processor (202, fig. 2) and a memory (204 & 206, fig. 2; paragraph bridging col. 3, line 61 through col. 4, line 8) for retrieving digital media content; storing the digital media content in the memory; and providing the digital media content to a thin media client using a first network (col. 2, lines 41 – 50; col. col. 4, lines 24 - 39).

Regarding claims 2 - 4, Story teaches a system, wherein the thin media client comprises an audio client; wherein the digital media content comprises an audio file; and wherein the digital media content comprises realtime audio information (col. 2, lines 24 – 50; col. 5, lines 1 – 6).

Regarding claims 5 and 6, Story teaches a system, wherein the thin media client comprises a video client, and wherein the digital media content comprises video information; wherein the thin media client comprises an image client, and wherein the digital media content comprises image information (col. 2, lines 24 – 35; col. 3, lines 22 - 39).

Regarding claim 14, Story teaches a system, wherein the first network comprises a home network (125 & 155, fig. 1; col. 3, lines 40 – 54).

Regarding claim 15, Story teaches a method comprising a computer system including a processor (202, fig. 2) and a memory (204 & 206, fig. 2; paragraph bridging col. 3, line 61 through col. 4, line 8) for retrieving digital media content; storing the digital media content in the memory; and providing the digital media content to a thin media client using a first network (col. 2, lines 41 – 50; col. col. 4, lines 24 - 39).

Regarding claims 16 - 18, Story teaches a system, wherein the thin media client comprises an audio client; wherein the digital media content comprises an audio file; and wherein the digital media content comprises realtime audio information (col. 2, lines 24 – 50; col. 5, lines 1 – 6).

Regarding claims 19 and 20, Story teaches a method, wherein the thin media client comprises a video client, and wherein the digital media content comprises video

information; wherein the thin media client comprises an image client, and wherein the digital media content comprises image information (col. 2, lines 24 – 35; col. 3, lines 22 - 39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 11 – 13, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story et al (US 6,253,237; hereinafter Story) in view of Krueger et al (US 5,996,022; hereinafter Krueger).

Regarding claims 7, and 11 – 13, Story teaches all the limitations in claim 6, but fails to specifically teach, a system, wherein the computer system is for transcoding the

digital media content prior to providing the digital media content to the thin media client (claim 7); for buffering the digital media content prior to providing the digital media content to the thin media client (claim 11); for providing an interface associated with the thin media client to a user to access one or more features of the thin media client (claim 12); and for retrieving the digital media content using a second network (claim 13).

However, Krueger teaches, in an analogous art, a transcoding data in a proxy computer prior to transmitting the audio data to a client, wherein the computer system is for transcoding the digital media content prior to providing the digital media content to the thin media client (col. 8, lines 6 - 23); for buffering the digital media content prior to providing the digital media content to the thin media client (col. 7, lines 1 - 14); for providing an interface associated with the thin media client to a user to access one or more features of the thin media client (col. 3, lines 46 - 55); and for retrieving the digital media content using a second network (paragraph bridging col. 2, line 59 through col. 3, line 4).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Story's device by transcoding the digital media content prior to providing the digital media content to the thin media client; for buffering the digital media content prior to providing the digital media content to the thin media client; for providing an interface associated with the thin media client to a user to access one or more features of the thin media client; and for retrieving the digital media content using a second network as evidenced by Krueger for the purpose of conforming the

audio files to the hardware and software capabilities of a client and for meeting bandwidth constraints of the communication link between the server and the client.

Regarding claims 21, 25, and 26, Story teaches all the limitations in claim 15, but fails to specifically teach, a method, which further comprising the steps of transcoding the digital media content prior to providing the digital media content to the thin media client (claim 21); buffering the digital media content prior to providing the digital media content to the thin media client (claim 25); and providing an interface associated with the thin media client to a user to access one or more features of the thin media client (claim 26).

However, Krueger teaches, in an analogous art, a transcoding data in a proxy computer prior to transmitting the audio data to a client, which further comprising the method steps of transcoding the digital media content prior to providing the digital media content to the thin media client (col. 8, lines 6 - 23); buffering the digital media content prior to providing the digital media content to the thin media client (col. 7, lines 1 - 14); and providing an interface associated with the thin media client to a user to access one or more features of the thin media client (col. 3, lines 46 - 55).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Story's device by transcoding the digital media content prior to providing the digital media content to the thin media client; for buffering the digital media content prior to providing the digital media content to the thin media client; and for providing an interface associated with the thin media client to a user to access one or more features of the thin media client as evidenced by Krueger for the

purpose of conforming the audio files to the hardware and software capabilities of a client and for meeting bandwidth constraints of the communication link between the server and the client.

Claims 8 - 10 and 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story et al (US 6,253,237; hereinafter Story) in view of Krueger et al (US 5,996,022; hereinafter Krueger), and further in view of Jones et al (US 6,697,944; hereinafter Jones).

Regarding claims 8 - 10, Story and Krueger teach all the limitations in claim 6, but fail to specifically teach a computer system for performing a rights management task associated with the digital media content prior to providing the digital media content to the thin media content (claim 8); for performing a decompression function on the digital media content to the thin media client (claim 9); and for performing a decryption function on the digital media content prior to providing the digital media content to the thin media client (claim 10).

However, Jones teaches, in an analogous art, an apparatus and method for operating on data in a data communications system, which performs a rights management task associated with the digital media content prior to providing the digital media content to the thin media content (paragraph bridging col. 3, line 66 through col. 4, line 43); a decompression function on the digital media content to the thin media client; and a decryption function on the digital media content prior to providing the digital media content to the thin media client (paragraph bridging col. 9, line 65 through col. 10,

line 8; col. 11, lines 18 – 37; and paragraph bridging col. 13, line 66 through col. 14, line 25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Story and Krueger's device as taught by Jones for the purpose of providing a system and method for the distribution, transfer, and protection of digital content, and, more particular for implementing digital rights management in the distribution and transfer of digital content files to ensure proper protection and prevent unauthorized duplication thereof (see col. 1, lines 9 – 15).

Regarding claims 22 - 24, Story and Krueger teach all the limitations in claim 15, but fail to specifically teach a method steps for performing a rights management task associated with the digital media content prior to providing the digital media content to the thin media content (claim 22); for performing a decompression function on the digital media content to the thin media client (claim 23); and for performing a decryption function on the digital media content prior to providing the digital media content to the thin media client (claim 24).

However, Jones teaches, in an analogous art, an apparatus and method for operating on data in a data communications system, which performs a rights management task associated with the digital media content prior to providing the digital media content to the thin media content (paragraph bridging col. 3, line 66 through col. 4, line 43); a decompression function on the digital media content to the thin media client; and a decryption function on the digital media content prior to providing the digital

media content to the thin media client (paragraph bridging col. 9, line 65 through col. 10, line 8; col. 11, lines 18 – 37; and paragraph bridging col. 13, line 66 through col. 14, line 25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Story and Krueger's device as taught by Jones for the purpose of providing a system and method for the distribution, transfer, and protection of digital content, and, more particular for implementing digital rights management in the distribution and transfer of digital content files to ensure proper protection and prevent unauthorized duplication thereof (see col. 1, lines 9 – 15).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt
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April 24, 2004

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